

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NESTOR OBRAJERO-SANCHEZ #18740078 §
§
VS. §
§
DIRECTOR, TDCJ-CID §

CIVIL ACTION NO. 4:14cv182

ORDER OF DISMISSAL

This case was referred to a United States Magistrate Judge, who issued a Report and Recommendation concluding that the motion to vacate, set aside, or correct sentence should be dismissed without prejudice for failure to prosecute. Movant filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the case, has been presented for consideration. Movant was initially ordered to file a response showing why his case should not be dismissed based on the statute of limitations. Movant asserts that lock-down dates at the prison caused him to untimely file because he was prevented from using the law library during the lock-down times. He eventually filed a response, but simply stated that he had requested the specific information from the prison. The Court never received information from Movant concerning lock-down dates. Approximately three months later, a Report and Recommendation was issued, recommending Movant's case be dismissed for failure to prosecute. Movant filed objections, stating that he had placed a memorandum from the Federal Bureau of Prisons in the mail that contained the relevant dates. A close review of the docket shows that this Court never received it. Additionally, Movant did not include a copy of it with his objections. Accordingly, on November 29, 2016, the Court

gave Movant one last opportunity to provide the lock-down information. Movant acknowledged receipt of the order on December 5, 2016. As of today's date, he fails to provide any information. The Court also notes that Movant was released from prison on December 30, 2016. In sum, Movant was given three chances to provide the Court with the relevant information, and failed to do so. He failed to prosecute his case.

This Court conducted a *de novo* review of the objections raised by Movant to the Report and concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. It is accordingly

ORDERED that the motion to vacate, set aside, or correct sentence is **DISMISSED** without prejudice. Finally, it is

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 18th day of January, 2017.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE